



**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. This Court has jurisdiction pursuant to Title 28, United States Code, Section 1335 and Rule 22, Fed. R. Civ. P.

2. Venue in this jurisdiction is proper pursuant to Title 28, United States Code, Section 1397.

3. On or about April 15, 2004, \$3,521,863.63 was seized by Plaintiff from the attorney trust account of Cameron Campbell at First National Bank in La Jolla, California (account ending 1426).

4. On or about June 18, 2004, \$1,059,200 was seized by Plaintiff from Integrated Payment Systems, which funds represented proceeds from checks processed by Integrated Payment Systems for First National Bank which had attempted to return funds to forty-seven (47) individual payors from deposits made into the attorney trust account by Cameron Campbell.

5. The funds described above together with accrued interest were contemporaneously deposited with the filing of the Government's complaint initiating this action on February 11, 2009, deposited with the Clerk of the District Court.

6. Notice of the complaint was properly given to all Defendants in Interpleader.

7. On April 7, 2009, a Clerk's Entry of Default Judgment was entered against Cedar Pointe Consulting Group, Inc., Rick L. Childers, RLA-JCW Capital, LLC, and William A. Williamson. On May 19, 2009, a Clerk's Entry of Default Judgment was entered against Bettye Jan Baker Adair, Pearl Clements, CLJ Consulting, LLC, Neil Guess, Integrated Payment Systems Inc., Leonardo Keuchler, Pacific Western Bank, Garth Bailey, Cameron Campbell, and Nicholas Hrycun.

8. On June 9, 2009, the Court entered an Order authorizing a group of defrauded investors to specially appear as representatives of a class of investors from a Canadian Class Action, Easton v. HMS Financial, Court of the Queens Bench of Alberta, Judicial District of Calgary, Alberta, Canada, and as intervenors in this case. The June 9, 2009, Order also set forth a plan for distribution of the interpleaded funds in the following order and priorities: 1) All Defendants in Interpleader with directly traceable funds shall be compensated from the

1 Interpleaded Funds, including a pro rata share of accrued interest; (2) Excluded from presently  
2 participating in the receipt of Interpleaded Funds are Objectors and all other alleged wrongdoer  
3 defendants in the Canadian Action; (3) The balance of the Interpleaded Funds, after compensating  
4 innocent, directly traceable fraud victims and payment of administrative expenses, shall be paid  
5 to the registry of the Canadian Court for distribution in that action.

6 9. On September 30, 2009, the Court appointed Richard M. Kipperman the receiver  
7 with the authority to examine all the answers and conduct necessary discovery to make a plan for  
8 recommended distribution of the Interpleaded Funds in accordance with the Court's June 9, 2009,  
9 Order.

10 10. On June 16, 2010, the Receiver filed and served on all parties Motions: (1)  
11 Approving and Adopting Receiver's Interim Verified Report; (2) Approving and Adopting  
12 Receiver's Recommendations for the Clerk of Court to Disburse Funds to Identified Individuals  
13 and Turn Over the Balance of the Funds to the Canada Class Action; (3) Approving and Allowing  
14 Receiver's Fees and Expenses; and (4) Discharging the Receiver. On July 15, 2010, the Receiver  
15 filed a supplemental verified report regarding five additions and corrections to the report.

16 11. Angel Rhoades was the sole Defendant in Interpleader who objected to the report.  
17 The basis for her objection was that she believed she had an additional \$2,500.00 in loss  
18 sufficiently proven to be documented and traceable to the interpleaded funds. After hearing from  
19 counsel and the Receiver, the Court sustained her objection to the Report and directed the Receiver  
20 to add an additional \$2,500.00 to the distribution to Angel Rhoades.

21 12. The Government made an oral motion for judgment on the pleadings, for an order  
22 discharging it as Plaintiff, and for an order closing the case.

23 **ORDER**

24 1. The Receiver's Motions: (1) Approving and Adopting Receiver's Interim Verified  
25 Report; (2) Approving and Adopting Receiver's Recommendations for the Clerk of Court to  
26 Disburse Funds to Identified Individuals and Turn Over the Balance of the Funds to the Canada  
27 Class Action; (3) Approving and Allowing Receiver's Fees and Expenses; (4) Discharging the

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1 Receiver; and on July 15, 2010, the Receiver filed a supplemental verified report regarding five  
2 additions and corrections to the report, are GRANTED and APPROVED.

3 2. The Clerk of Court is ordered to issue checks from the interpleaded funds on deposit  
4 with accrued interest as set forth on attached Exhibit 1 to the Individuals named thereon, at the  
5 addresses listed.

6 3. The Clerk of the Court is ordered to issue a check to Richard M. Kipperman,  
7 Receiver, in the amount of \$29,009.72 as full and final compensation for his fees and expenses  
8 as the receiver in this case. The Clerk is to mail the check to the receiver at P.O. Box 3010,  
9 La Mesa, California 91944-3010.

10 4. After making the payments set forth in 2 and 3 above, the Clerk is directed to pay  
11 the balance of the Interpleaded Funds to The Minister of Finance and Enterprise, the Court of the  
12 Queens Bench of Alberta, Judicial District of Calgary, Alberta, Canada, for distribution to the  
13 victims of the fraud in that Canadian Class Action, Easton v. HMS Financial. The Clerk is to mail  
14 the check payable to "The Minister of Finance and Enterprise" to Staff Sergeant Dale Glyndon,  
15 Royal Canadian Mounted Police, 7575 Eighth Street N.E., Calgary, Alberta T2E-8AZ, Canada.


16 5. Richard M. Kipperman is hereby discharged as Receiver in this case.

17 6. The Defendants in Interpleader named in Exhibit 1 are hereby granted judgment on  
18 the Complaint in Interpleader in their favor in the amounts set forth in Exhibit 1, and the Court  
19 hereby dismisses the United States from any and all liability in this case, and from further  
20 participation in this action. The United States as Plaintiff has waived its claim for its fees and  
21 expenses in bringing this action.

22 7. Following distribution of the Funds in Interpleader, this case is ordered closed.

23 8. The Clerk is hereby directed to enter judgment accordingly.

24 DATED: August 13, 2010

25   
26 Hon. Jeffrey T. Miller  
27 United States District Judge  
28

**HMS-Adair**  
**Disbursement Recipients: All Defendants-In-Interpleader With Directly Traceable Funds**

Name	Address	City/Country/Zip	Base Amount	Pro Rata % Of Accrued Int	Interest Due-211/09 7/31/2010	Total Distributable Funds
Allen, Willa Mae	1819 Neville Drive	Louisville, KY 40216	15,000.00	0.015678896	132.50	15,132.50
Alvey, Carol	1233 Phyllis Ave	Louisville, KY 40215	5,000.00	0.005226299	44.17	5,044.17
Alvey, Tim	1233 Phyllis Ave	Louisville, KY 40215	20,000.00	0.020505195	176.67	20,176.67
Beattie, Ivy A.	Box 28 Busby	Alberta, Canada T0G0H0	5,000.00	0.005226299	44.17	5,044.17
Burtz, Vernon D & Mary	6615 West Oreil Road	Louisville, KY 40272	5,000.00	0.005226299	44.17	5,044.17
Diver, Theodore	5175 Foxhall Drive North	West Palm Beach, FL 33417	10,000.00	0.010452597	88.33	10,088.33
Findlay, Don	Unit 204 10 Bay Street	Thornbury, ON N0H2P0	12,000.00	0.012543117	106.00	12,106.00
Fletcher, Mark & Misty	9931-69 Ave	Grande Prairie, Alberta T8V5G3	14,700.00	0.015365318	129.85	14,829.85
Fontaine Joanne & Roland	4403-41st Avenue	Beaumont, Alberta T4X1M6	15,000.00	0.015678896	132.50	15,132.50
Funk, Harry & Dorothy	13 Brookside Crescent	Portage La Prairie, Manitoba Canada R1N3W9	20,000.00	0.020505195	176.67	20,176.67
Giesbrecht, Gerald & Pamela	4907 Claret Street NW	Calgary, Alberta T2L1C2	5,000.00	0.005226299	44.17	5,044.17
Gordon-Brown, Carolyn	53403 Range Road 274	Calgary, Alberta T2X3F9	105,000.00	0.109752273	927.50	105,927.50
Granger, Albert & Suzanne	2903-29 Ave S	Calgary, Alberta T2C1A6	40,000.00	0.04181039	353.33	40,353.33
Haight, Ron & Carol	#36, 51128 RR 261	Calgary, Alberta T2C1A6	90,000.00	0.094073377	795.00	90,795.00
Hamrell, Deborah & Brent	18 Cranfield Crescent SE	Grande Prairie, Alberta T8W2K7	25,000.00	0.026131494	220.83	25,220.83
Harms, Jake & Kathy	6302-99A Street	Calgary, Alberta T2C1A6	45,000.00	0.047036689	397.50	45,397.50
Hensbridge, Shawn & Brenda	225-53313 RR 280	Calgary, Alberta T2C1A6	15,000.00	0.015678896	132.50	15,132.50
Hilliard, Terry & Ester	RR #1 Site #1	Westlock, Alberta T7P2N9	15,000.00	0.015678896	132.50	15,132.50
Hinsz, Chad	1407 Loewen Court	Edmonton, Alberta T6R2X9	5,000.00	0.005226299	44.17	5,044.17
Hinsz, Keith & Jane	16221-131 A Street	Edmonton, Alberta T6R2X9	40,000.00	0.04181039	353.33	40,353.33
Kloss, Kendall & Karl	#10 Woodland Crescent	Sylvan Lake, Alberta T4S1L9	15,000.00	0.015678896	132.50	15,132.50
Kovacic, Daralynne	42 Westpark Way	Fort Saskatchewan, Alberta T8L3W8	15,000.00	0.016201526	136.92	15,136.92
L'Arrivee, Dennis & Valerie	16221-131 A Street	Edmonton, Alberta T6V1X7	30,000.00	0.031357792	265.00	30,265.00
Lighthouse Pentecostal Church	49 Boulder Boulevard	Edmonton, Alberta T6V1X7	10,000.00	0.010452597	88.33	10,088.33
Link, H. Marjorie	16221-131 A Street	Edmonton, Alberta T6V1X7	5,000.00	0.005226299	44.17	5,044.17
McCaw, Christina & Reginald	15929-94 Avenue	Edmonton, Alberta T5R5K9	10,000.00	0.010452597	88.33	10,088.33
Miller, Walter & Doris	69 Feero Drive	Edmonton, Alberta T6R2H9	5,000.00	0.005226299	44.17	5,044.17
Murley, Barbara	1181 Broadriver Church Road	Edmonton, Alberta T6R2H9	5,000.00	0.005226299	44.17	5,044.17
Nehring, Robert	148 Foxhaven Place	Edmonton, Alberta T6V1V3	25,000.00	0.026131494	220.83	25,220.83
Paras, Anita & Thomas Edward	12728-147 Avenue NW	Edmonton, Alberta T6V1V3	20,000.00	0.020905195	176.67	20,176.67
Parker, Deborah	619 Revell Wynd	Edmonton, Alberta T6R2H9	5,000.00	0.005226299	44.17	5,044.17
Pohl, Frazier	11 West Lake Drive	Edmonton, Alberta T6R2H9	5,000.00	0.005226299	44.17	5,044.17
Client Trust Account of Winet, Patrick & Weaver (Angel Rhoades)	701 B Street, Suite 1725	San Diego, California 92101	2,500.00	0.002613149	22.08	2,522.08
Rimmer, Robert & Joanne	Fox 5810	Westlock, Alberta T7P2P6	50,000.00	0.052262987	441.67	50,441.67
Rowat, Darren & Wanda	6438 Dallas Drive	Kamloops, BC V2C4X5	7,000.00	0.007316818	61.83	7,061.83
Sampert, Raymond L. & Margaret M.	611 Revell Wynd	Edmonton, Alberta T6R2H9	50,000.00	0.052262987	441.67	50,441.67
Sanders, F. Rhett & Virginia	5081 Pitch Landing Drive	Conway, South Carolina 29527	70,000.00	0.073168182	618.33	70,618.33
Schweitzer, Craig & Lisa	1330 Wallace Road #59	Salem, Oregon 97304	5,000.00	0.005226299	44.17	5,044.17
Scott, Grace	31 Christina Court	Sherwood Park, Alberta T8H2H4	5,000.00	0.005226299	44.17	5,044.17
Shaw, Paul & Elise	P.O. Box 1611	Lac La Biche, Alberta T0A2C0	10,000.00	0.010452597	88.33	10,088.33
Stott, George & Mary	Box 5269	Westlock, Alberta T7P2P5	65,000.00	0.067941884	574.17	65,574.17
Taylor, Keith T. & Karl L.	Box 5269	Westlock, Alberta T7P2P4	10,000.00	0.010452597	88.33	10,088.33
Willock, Dan & Catherine	Box 3011 7Cumberland Street	Pickton, Ontario K0K2T0	15,000.00	0.015678896	132.50	15,132.50
Wories, Steven & Alexandria	Box 771	Sexsmith, Alberta T0H3C0	10,000.00	0.010452597	88.33	10,088.33

**Total Distributable**

956,700.00 100% 8,450.85 965,150.85

Federal Judgement Rate at 2/11/09

0.60%

Accrued Int: 2/11/09 to 7/31/10 - 530 DAYS

8,450.85

Per Diem Interest

15.95

**Total Due at 7/31/10**

965,150.85

2/11/2009  
7/31/2010

530

**EXHIBIT 1**